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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARC OPPERMAN, et al.,

Plaintiffs,

v.

PATH, INC., et al.,

Defendants.

Case No.: 13-cv-00453-JST

**[PROPOSED] ORDER GRANTING
APPLICATION DEVELOPER
DEFENDANTS' JOINT MOTION TO
DISMISS CONSOLIDATED AMENDED
CLASS ACTION COMPLAINT**

DATE: January 22, 2014

TIME: 9:30 a.m.

COURTROOM: 9

JUDGE: Hon. Jon S. Tigar

**THIS DOCUMENT RELATES TO ALL
CASES:**

Opperman v. Path, Inc., No. 13-cv-00453-JST

Hernandez v. Path, Inc., No. 12-cv-1515-JST

Pirozzi v. Apple, Inc., No. 12-cv-1529-JST

Gutierrez v. Instagram, Inc., No. 12-cv-6550-JST

Espitia v. Hipster, Inc., No. 13-cv-0432-JST

1 **THIS MATTER**, having come before the Court on Defendants Chillingo Ltd., Electronic
2 Arts Inc., Gowalla, Inc., Foodspotting, Inc., Foursquare Labs, Inc., Instagram, Inc., Kik
3 Interactive, Inc., Path, Inc., Rovio Entertainment Ltd. s/h/a Rovio Mobile Oy, Twitter, Inc., Yelp
4 Inc., and ZeptoLab UK Ltd. (collectively, the “App Defendants”) Motion to Dismiss Plaintiffs’
5 Consolidated Amended Class Action Complaint under Rules 12(b)(1) and 12(b)(6) of the Federal
6 Rules of Civil Procedure and Article III of the United States Constitution filed on October 18,
7 2013, and having considered the parties’ papers, oral argument, and all other pleadings and papers
8 filed herein:

9 **IT IS HEREBY ORDERED** that the Motion is **GRANTED**. Plaintiffs fail to allege they
10 have suffered injury as required to establish standing under Article III of the U.S. Constitution,
11 and the Court therefore lacks subject matter jurisdiction. In the alternative, all claims against the
12 App Defendants are dismissed with prejudice because, even accepting the allegations of the
13 Consolidated Amended Complaint as true, they fail to state a claim upon which relief may be
14 granted.

15 **IT IS FURTHER ORDERED** that all of plaintiffs’ claims against the App Defendants
16 are dismissed with prejudice.

17 **IT IS SO ORDERED.**

18
19 DATED: _____

HON. JON S. TIGAR